

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No.: 3:06-CR-103
)	(VARLAN/SHIRLEY)
RIGOBERTO MAGANA SANCHEZ,)	
)	
Defendant.)	

ORDER ADOPTING REPORT AND RECOMMENDATION

A Report and Recommendation has been forwarded to the undersigned recommending that this case be certified as extended and/or complex. Counsel for Defendant Rigoberto Magana Sanchez has been appointed pursuant to the Criminal Justice Act (18 U.S.C. § 3006A) and has filed a motion [Doc. 37] to declare this case complex for purposes of court-appointed attorney's fees and requesting interim payments.

The Report and Recommendation points out that the single-count indictment charges the Defendant with engaging in a conspiracy to distribute marijuana, methamphetamine, and cocaine hydrochloride from January 2001 to September 9, 2003. The Report and Recommendation finds that the voluminous discovery was produced as a result of the wiretap investigation, and includes numerous recorded phone calls and approximately 1,300 pages of "line sheets." The Report and Recommendation further points out that the litigation of pretrial motions was extensive and required extensive research, preparation, and investigation. Due to the nature of the charges asserted in the indictment, the large amount of discovery, and the length of the time between the Defendant's alleged involvement in a multi-person conspiracy, it is the opinion of the undersigned that this case

meets the definition of both “complex” and “extended” as set out above and that excess payment may be necessary to provide fair compensation to counsel.

The Court agrees with the Report and Recommendation and hereby **ADOPTS** the same. This Order adopting the Report and Recommendation, along with a copy of the Report and Recommendation and an Order concerning excess and interim payments, approved by the undersigned, shall be forwarded to the United States Court of Appeals for the Sixth Circuit, to the attention of the Chief Judge of the Circuit or her designee.

IT IS SO ORDERED.

ENTER:

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE